

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**Before the Honorable Steven C. Yarbrough
United States Magistrate Judge**

Clerk's Minutes

New Mexico Cattle Growers' Association v. United States Environmental Protection Agency
19cv988 JHR/SCY

April 23, 2020, at 9:30 a.m.

PLAINTIFFS' ATTORNEYS PRESENT: Tony Francois

DEFENDANTS' ATTORNEYS PRESENT: Erica Zilioli

TYPE OF PROCEEDING: Telephonic Status Conference
Total Time – 18 minutes

CLERK'S MINUTES:

- The purpose of this hearing is to discuss Defendants' Consent Motion For Extension Of Time To Respond To Complaint (Doc. 18).
- Defendants indicate that the parties have conferred about the new published rule. Plaintiff is filing a supplemental complaint. The June 29 deadline proposed in the motion should be sufficient to respond to the initial complaint and the supplemental claims. Defendants will file one answer that responds to both documents.
- Plaintiff anticipates filing a supplemental complaint and stipulation by early next week, if not sooner.
- The United States has no objection to filing the supplemental complaint.
- Plaintiff proposes filing a marked up version reflecting changes, followed by a court order allowing the filings, and Plaintiff can file a clean version to which Defendant will owe an answer.
- The Court agrees to that procedure. Plaintiff will file an unopposed motion with the marked up version and the parties will submit a proposed order allowing the supplemental complaint.
- The parties indicate they still prefer the Court enter the proposed order extending the answer deadline to June 29.

- The Court inquires how the parties intend to litigate this case and what scheduling issues may arise.
- Plaintiff will be filing a motion for preliminary injunction and proceed to briefing on the merits. This is an administrative record case and will proceed according to *Olenhouse*. This is not a discovery case. The United States concurs that this is an *Olenhouse* case and the preliminary injunction request can be briefed fairly quickly.
- Given the Plaintiff's intention to file a motion for preliminary injunction, the Court will set a consent submission deadline promptly. The Court will wait to set a merits briefing schedule until after the preliminary injunction request is resolved.
- The Court concludes the conference.